

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

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QUINTIN KEENE,

Plaintiff,

**DECLARATION OF ELLIOT
DOLBY SHIELDS**

-against-

THE CITY OF ROCHESTER, a municipal entity, POLICE OFFICER MARIO MASIC, IBM # 1841, POLICE OFFICER MARK J. LEMBKE, POLICE OFFICER JASON PRINZI, POLICE OFFICER BRYAN A. BOSKAT, POLICE OFFICER LUCAS C. BURRITT, POLICE OFFICER DAVID T. SEITZ, POLICE OFFICER PATRICK GIANCURSIO, POLICE OFFICER WILLIAM WAGNER, POLICE OFFICER JOEL WITTMAN, SERGEANT JAMES INGERICK, SERGEANT RIVERS, and Police Officers "JOHN DOES 1-10" (names and number of whom are unknown at present), and other unidentified members of the Rochester Police Department,

17-cv-6708 (MAT)

Defendants.

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ELLIOT DOLBY SHIELDS, hereby declares under penalty of perjury and pursuant to 28 U.S.C. § 1746 that the following is true and correct:

1. I am associated with Roth & Roth, LLP, where I specialize in representing plaintiffs in civil rights lawsuits, including excessive force cases.
2. I am the attorney of record for Plaintiff Quintin Keene herein, and as such, I am fully familiar with the facts and circumstances of this action.
3. I give this declaration in Opposition to Defendant's Partial Motion to Dismiss Plaintiff's First, Sixth and Seventh Claims for Relief in his First Amended Complaint.

4. Annexed hereto as Exhibit A is a copy of Barbara Lackner-Ware and Theodore Forsyth, *The Case for an Independent Police Accountability System: Transforming the Civilian Review Process in Rochester, New York* (2017).

5. Annexed hereto as Exhibit “B” is a copy of the complaint in *Hunter v. City of New York*, 35 F.Supp.3d 310, 324-25 (E.D.N.Y. 2014).

6. Annexed hereto as Exhibit “C” is a copy of the complaint in *Gonzalez v. New York City*, 2016 WL 7188147, at *8 (S.D.N.Y. Dec. 2, 2016).

7. Annexed hereto as Exhibit “D” is a copy of the complaint in *Bektic–Marrero v. Goldberg*, 850 F.Supp.2d 418, 431 (S.D.N.Y. 2012).

8. Annexed hereto as Exhibit “E” is a copy of the complaint in *Colon v. City of New York et al.*, 2009 WL 4263362 (Nov. 25, 2009).

9. Annexed hereto as Exhibit “F” is a copy of the complaint in *Osterhoudt v. City of New York*, 2012 WL 4481927 (Sept. 27, 2012).

10. Annexed hereto as Exhibit “G” is a copy of the complaint in *Ferrari v. County of Suffolk*, 790 F.Supp.2d 34, 46 (E.D.N.Y.2011).

11. Annexed hereto as Exhibit “H” is a copy of the complaint in *Reyes v. County of Suffolk*, 995 F.Supp.2d 215 (E.D.N.Y. Feb. 6., 2014).

12. Annexed hereto as Exhibit “I” is a copy of the complaint in *Mateo v. County of Suffolk*, No. 12-CV-6160 DRH GRB, 2014 WL 5425536 (E.D.N.Y. Oct. 23, 2014).

13. Annexed hereto as Exhibit “J” is a copy of the complaint in *Tyus v. Newton*, 13-cv-1486 (SRU), 2015 WL 1471643, at *11 (D. Conn. Mar. 31, 2015).

14. Annexed hereto as Exhibit “K” is a copy of the complaint in *Goode v. Newton*, 12-cv-754 (JBA), 2013 WL 1087549, at *6–8 (D. Conn. Mar. 14, 2013).

15. Annexed hereto as Exhibit “L” is a copy of the complaint in *Walker v. City of New York*, No. 12 Civ. 5902, 2014 U.S. Dist. LEXIS 42272 (S.D.N.Y. Mar. 18, 2014).

16. Annexed hereto as Exhibit “M” is a copy of the complaint in *Tieman v. City of Newburgh*, o. 13-cv-4178 (KMK), 2015 WL 1379652, at *2 (S.D.N.Y. Mar. 26, 2015).

17. Annexed hereto as Exhibit “N” is a copy of the complaint in *Collins v. City of New York*, 923 F. Supp. 2d 462, 479 (E.D.N.Y. 2013).

Dated: New York, New York
February 5, 2018

ROTH & ROTH LLP

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